

REMARKS

Claims 1-55 are pending in the application. Claims 1-55 stand rejected. Applicant respectfully requests allowance of the claims and consideration of the following remarks.

Rejections Based Upon 35 U.S.C. § 102(e)

Claims 1-2, 4, 6-8, 13-14, 16, 18-20, and 23 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,157,648 (Voit). Applicant respectfully traverses the rejection for at least the following reasons.

In the recent Final Office Action (August 8, 2005), the Examiner states in the Response to Arguments Section (page 2) that the first link of claim 1 reads on the link between the ISP and the server of Voit. Further, the Examiner states that the second link in claim 1 reads on the link between the client and the ISP of Voit. Lastly, the Examiner states that the third link in claim 1 reads on the link between the client and the server of Voit. First, it should be noted that a server would not be considered by one skilled in the art to be the same as or analogous to a user communication device. Regardless, the client does not communicate with the ISP through the server over the third link. In contrast, claim 1 requires that the second user communication device communicate with the service provider over the third link. Claim 1 further requires that the second user communication device is connected to the first user communication device by the third link. Thus, the second user communication device communicates with the service provider via the first user communication device and the third link.

In particular, Voit discloses a telephone 112 linked to an Internet Telephony Gateway (ITG) 118, and further linked to the Internet 106. Voit also discloses a personal computer 110 linked to the Internet. The personal computer 110 is never linked to the Internet through the telephone 112. Likewise, the telephone 112 is never linked to the Internet through the personal computer 110. In contrast, claim 1 specifically requires that the third link connect the second user communication device to the first user communication device, and that the second user communication device communicate with the service provider over the third link.

Applicant maintains that Voit also fails to disclose the second user communication device determining a need for additional bandwidth, as required by claim 1. Rather, Voit discloses an initial call setup process wherein an initial amount of bandwidth is determined. Determining a need for additional bandwidth would occur after the initial amount of bandwidth is determined. Thus, Voit only discloses determining an initial amount of bandwidth rather than determining a need for additional bandwidth.

The remaining independent claims contain limitations similar to those of independent claim 1 and are therefore allowable over the art of record for at least the same reasons as claim 1. The remaining dependent claims, while separately allowable over the art of record, depend from otherwise allowable independent claims. Applicant therefore refrains from a discussion of the dependent claims for the sake of brevity. A discussion of the rejections based on 35 U.S.C. § 103(a) is obviated in view of the discussion distinguishing Voit.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore respectfully requests their allowance.



SIGNATURE OF PRACTITIONER
Stephen S. Roche, Reg. No. 52,176
Setter Ollila LLC
Telephone: (303) 938-9999 ext. 15
Facsimile: (303) 938-9995

Correspondence address: CUSTOMER NO. 28004

Attn: Harley R. Ball
6391 Sprint Parkway
Mailstop: KSOPHT0101-Z2100
Overland Park, KS 66251-2100